



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,488	12/12/2002	Bunichiroh Fujii	020392	4896

23850 7590 09/13/2006

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006

EXAMINER

DALENCOURT, YVES

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,488

Applicant(s)

FUJII ET AL.

Examiner

Yves Dalencourt

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to amendment filed on 06/09/2006.

Response to Amendment

2. The examiner has acknowledged the amended claims 1 – 6, and the submission of new claim 7.

Response to Arguments

3. Applicant's arguments filed on 06/09/2006 have been fully considered but they are not persuasive.
4. Regarding Applicants' argument that Howard et al fail to disclose that the playback software is set such that it permits the playback of the contents file only when the client ID thereof agrees with the client ID incorporated in the contents file (page 9, first paragraph). The Examiner respectfully disagrees with Applicants' assertion because Howard et al clearly disclose sending a client key 234 (claimed client ID) as part of the requested document 303. Thus, such client ID is interpreted by the Examiner as being incorporated in the document 303 (claimed contents file). Howard et al further disclose to immediately reject a request if a client key is not associated with such request (see paragraph [0042]).
5. Howard et al also disclose that the key can merely specify to the server 301 that the browser is a limited-use browser; the key can specify this information and a serial number of the browser. If the key 314 is verified, the server component 302 performs

Art Unit: 2157

the appropriate security functions depending on the security model used to protect the document 303 and transmits a web page 307 for downloading to the client computer 311. **The web page 307 contains a security document package 306 comprising the document 303 plus any security restrictions the content provider has set (see paragraph [0043].**

6. It appears that applicants are interpreting the claims very narrow without considering the broad teaching of the reference (Howard et al) used in the rejection. Applicants are reminded that the examiner is entitled to the broadest reasonable interpretation of the claims. The Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541, 550-51 (CCPA 1969).

In view of such, the rejection is as follow:

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1 – 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Howard et al (US 2002/0069365; hereinafter Howard).

Regarding claim 1, Howard teaches a contents file play back permission method of permitting a contents file, which has been down loaded from a server to a terminal computer connected to the server through a communication network, to be played back by the play back software installed on the terminal computer (fig. 3; abstract; paragraph [0014]; Howard discloses installing add-in security module to the client terminal), characterized in that both the play back software and the contents file can incorporate client IDs (paragraphs [0061], [0075], and 0079]; Howard discloses that a unique identifier called the ULE key is created when the limited-use browser or add-in security module is installed on the client); the play back software is set such that it permits the play back of the contents file only when the client ID thereof agrees with the client ID incorporated in the contents file (paragraphs [0039] and [0042]); when profile data is transmitted from the terminal computer to the server at the time the play back software is set up, the server transmits a client ID inherent to each play back software to the terminal computer through the communication network so that the client ID is incorporated in the play back software (paragraphs [0040], [0054], and [0064]; and, thereafter, when the terminal computer accesses the server, down loads the contents file and stores it therein, the server incorporates the client ID of the destination, to which the contents file is down loaded, in the contents file (paragraphs [0043] and [0074]).

2. Regarding claim 2, Howard teaches the contents file playback permission method according to claim 1, wherein when the terminal computer accesses the server to down load the contents file, the server acquires the client ID incorporated in playback software of the terminal computer having accessed the server (paragraph [0043]).

3. Regarding claim 3, Howard teaches the contents file playback permission method according to claim 1 or 2, wherein that both the playback software and the contents file can incorporate user IDs, in addition to the client IDs, and the playback software is set such that it permits the playback of the contents file only when the client ID and user ID thereof agree with the client ID and user ID incorporated in the contents file, respectively (paragraphs [0039] and [0042]).

4. Regarding claim 4, Howard teaches the recording medium that has recorded playback software installed on a terminal computer connected to a server through a communication network and which plays back a contents file down loaded from the server (fig. 3; abstract; paragraph [0014]; Howard discloses installing add-in security module to the client terminal), wherein that the playback software incorporates a client ID previously transmitted from the server therein (paragraphs [0061], [0075], and [0079]; Howard discloses that a unique identifier called the ULE key is created when the limited-use browser or add-in security module is installed on the client); when the contents file is down loaded, the playback software incorporates the client ID in the contents file before the contents file is played back (paragraphs [0040], [0054], [0064], and [0071]); and when the playback software plays back the contents file, it compares the client ID incorporated therein with the client ID incorporated in the contents file and plays back the contents file only when, both the client IDs agree with each other (paragraphs [0039] and [0042]).

5. Regarding claim 5, Howard teaches the recording medium that has recorded playback software for playing back a contents file according to claim 4, wherein that

both the playback software and the contents file can incorporate user IDs, in addition to the client IDs, and the playback software permits the playback of the contents file only when the client ID and the user ID thereof agree with the client ID and the user ID incorporated in the contents file, respectively (paragraphs [0039] and [0042]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard et al (US 2002/0069365; hereinafter Howard) in view of Craig M. Janik (us 20050210101; hereinafter Janik).

9. Regarding claims 6 and 7, Howard teaches substantially all the limitations in claims 4 or 5, but fails to specifically teach that when the contents file is not played back, the recording medium displays a function other than the contents file; and the display is changed to a different display mode according to whether or not a particular contents file is down loaded (claim 6); and wherein said function is a clock function (claim 7).

10. However, Janik teaches an analogous system and method for providing content, management, and interactivity for client devices, which discloses that when the contents file is not played back, the recording medium displays a function other than the contents file; and the display is changed to a different display mode according to whether or not a particular contents file is down loaded; and wherein said function is a clock function (paragraphs [0042 – 0047] and [0049].

11. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Howard by providing a recording medium, wherein when the contents file is not played back, the recording medium displays a function other than the contents file; and the display is changed to a different display mode according to whether or not a particular contents file is down loaded; and wherein said function is a clock function as evidenced by Janik for the purpose of showing information such as the time, system settings, system status, thereby providing a convenient and user-friendly device.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

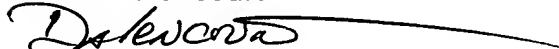
Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6: 00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yves Dalencourt


August 31, 2006